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6 Attorneys for Complainant
7

8 BEFORE THE
DIVISION OF MEDICAL QUALITY
9 MEDICAL BOARD OF CALIFORNIA
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation)
Against:)

No. D-5325

12 HAROLD ZAY JOHNSON, M.D.)
13 939 Pacific Avenue, Apt. 12)
Long Beach, California 90813)

14 DEFAULT DECISION
AND ORDER

15 Physician and Surgeon's)
Certificate No. G-18683)

16 Respondent.)
17

18 Respondent, HAROLD ZAY JOHNSON, M.D., having been
19 served with the Accusation, Statement to Respondent, and Notice
20 of Defense form as provided in section 11503 and 11505 of the
21 Government Code of the State of California, and having failed to
22 file a Notice of Defense within the time allowed by section 11506
23 of said code, and the default of the said respondent having been
24 duly noted, the Medical Board of California has determined that
25 respondent has waived his rights to a hearing to contest the
26 merits of said Accusation; that respondent is in default, and
27 that this agency will take action on the Accusation and evidence

1 herein without a hearing, and makes the following findings of
2 fact:

3 1. The Accusation was made and filed by Dixon Arnett,
4 on July 28, 1993, in his official capacity as Executive Director,
5 Medical Board of California, Department of Consumer Affairs,
6 State of California.

7 2. On July 7, 1970, the Medical Board of California
8 issued physician and surgeon's certificate number G 18683 to
9 Harold Zay Johnson, M.D. The certificate is in full force and
10 effect and has been renewed through May 31, 1994.

11 3. The factual allegations of paragraphs 5 and 6 of
12 the Accusation are true.

13 DETERMINATION OF ISSUES

14 Based on the foregoing findings of fact, respondent
15 has subjected his certificate to discipline under Business and
16 Professions Code section 2305 as more particularly set forth in
17 Accusation No. D-5325, a copy of which is attached hereto as
18 Exhibit A, and is incorporated by reference as if fully set
19 forth.

20 ORDER

21 WHEREFORE, for the aforesaid causes, the Medical Board
22 of California makes its order revoking physician and surgeon's
23 certificate number G 18683, issued to Harold Zay Johnson, M.D.

24 Respondent shall not be deprived of making any further
25 showing by way of mitigation. However, such showing must be made

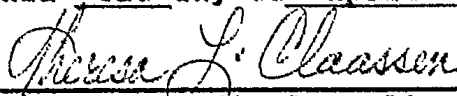
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1 to the Medical Board of California, 1430 Howe Avenue, Sacramento,
2 California 95825, prior to the effective date of this Decision.

3 This decision shall become effective on the 1st day of
4 May, 1994.

5 IT IS SO ORDERED this 1st day of April, 1994.

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7 Division of Medical Quality
8 Medical Board of California
9 State of California
10 THERESA CLAASSEN

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9 BEFORE THE
DIVISION OF MEDICAL QUALITY
10 MEDICAL BOARD OF CALIFORNIA
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation
Against:

No. D-5325

ACCUSATION

13 HAROLD ZAY JOHNSON, M.D.
14 939 Pacific Avenue, Apt. 12
15 Long Beach, California 90813

16 Physician and Surgeon's
Certificate No. G-18683

17 Respondent.
18

19 COMPLAINANT, DIXON ARNETT, alleges as follows:

20 1. He is the Executive Director of the Medical Board
21 of California (hereinafter "Board") and makes these allegations
22 in his official capacity as such and not otherwise.

23 2. On or about July 7, 1970, respondent Harold Zay
24 Johnson, M.D., (hereinafter "respondent"), was issued physician
25 and surgeon's certificate number G-18683 under the laws of the
26 State of California. Said certificate is presently in full force
27 and effect.

1 3. Section 2234 of the Business and Professions Code
2 (hereinafter "Code") provides that the Division of Medical
3 Quality of the Medical Board of California shall take action
4 against the holder of a physician and surgeon's certificate who
5 is guilty of unprofessional conduct.

6 4. Section 2305 of the Code provides that the
7 revocation, suspension or other discipline by another state of a
8 license or certificate to practice medicine issued by the state
9 to a licensee under this chapter shall constitute grounds for
10 disciplinary action for unprofessional conduct against such
11 licensee in this state.

12 5. Respondent is subject to disciplinary action
13 pursuant to sections 2234 and 2305 of the Code in that on or
14 about September 8, 1989, the Washington State Medical
15 Disciplinary Board suspended respondent's license to practice
16 medicine. A copy of the Washington order is attached hereto as
17 Exhibit A and incorporated by reference herein.

18 6. Respondent is subject to disciplinary action
19 pursuant to sections 2234 and 2305 of the Code in that on or
20 about June 10, 1991, the Texas State Board of Medical Examiners
21 restricted respondent's license to practice medicine. A copy of
22 the Texas order is attached hereto as Exhibit B and incorporated
23 by reference herein.

24 WHEREFORE, complainant prays that the Division of
25 Medical Quality hold a hearing on the matters alleged herein and
26 following said hearing issue a decision:

27 ///

1 1. Suspending or revoking the license issued to
2 respondent Harold Zay Johnson, M.D.;

3 2. Prohibiting respondent from supervising
4 physician's assistants.

5 3. Taking such other and further action as it deems
6 proper.

7 DATED: July 28, 1993

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9 DIXON ARNETT
10 Executive Director
11 Medical Board of California
12 State of California

13 Complainant
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DATE
APPROVED BY
APPROVED BY
DATE

EXHIBIT A

I certify this is a true copy of a
record on file in the Department of
Health, State of Washington.

1/10 day of January, 1992
Signature, Authorized Representative

RECEIVED
SEP 16 1987

**STATE OF WASHINGTON
MEDICAL DISCIPLINARY BOARD.**

OFFICE OF ATTORNEY GENERAL
SEATTLE OFFICE
Time / Init: _____
AAG / Given: _____

In the Matter of Disciplinary
Action Concerning

NO. PL 4096

HAROLD Z. JOHNSON, M.D.

STIPULATION AND AGREED
ORDER

Respondent.

COMES NOW the Medical Disciplinary Board and respondent, by
and through their respective counsel of record, and stipulate as
follows:

I. STIPULATION

1. Respondent is fully apprised of both the nature and
severity of the allegations set forth in the Statement of Charges
filed against him.

2. Respondent is fully apprised of the fact that the State
is prepared to proceed to a hearing upon the merits of said
Statement of Charges.

3. Respondent is fully apprised, with the advice and
assistance of his counsel of record, that should the State in
fact prove at said hearing the allegations as set forth in
paragraph II of the Statement of Charges, the Board has the power
and authority to take appropriate disciplinary action.

4. Respondent is fully apprised, with the advice and
assistance of his counsel of record, that he has the right to
defend himself by presenting evidence in his behalf at said
hearing.

5. Respondent wishes to expedite the resolution of this matter by means of stipulation.

6. This agreement is not binding unless accepted by the Medical Disciplinary Board.

7. I waive my right to proceed to a hearing on the merits of the Statement of Charges.

8. Respondent agrees to comply with the following mandated activities:

(a) Attendance at AA

Dr. Johnson will attend twice weekly AA meetings.

(b) Participation in Random Alcohol and Drug Screening.

Dr. Johnson shall make himself available, upon request, to participate in random, anonymous alcohol and drug screening, including providing urine samples. Said screening will be carried out in accordance with the Kennewick General Hospital protocol attached hereto as Exhibit A and by this reference incorporated herein.

Dr. Johnson understands and agrees that should a laboratory report, at any time while this stipulation is in effect, confirm a positive alcohol or drug screen said results will be reported to the State Department of Licensing and Medical Disciplinary Board for their investigation and review.

Dr. Johnson understands and agrees that he will be responsible for all costs attendant to the random alcohol and drug screening.

(c) Quarterly Report of Satisfactory Practice

Dr. Johnson shall authorize the Chief of Staff of Kennewick General Hospital to write a letter stating whether Dr. Johnson is maintaining a satisfactory standard of practice within the hospital to be sent to the Medical Disciplinary Board on a quarterly basis.

(d) Abstinence from the Use of Alcohol or Mood-Altering Medications.

Dr. Johnson agrees to abstain completely from the use of alcohol and/or mood-altering medications except for prescription medications prescribed by a duly licensed physician and surgeon for a specified purpose and for a specified time. Verification of said prescription must be provided, in writing, by the the prescribing physician upon request by the Medical Disciplinary Board and/or the State Department of Licensing.

(e) Release of Information.


Dr. Johnson shall sign, upon request, a written release of information so that documentation of the medical record, progress notes, observations and actual test results may be sent to the Medical Disciplinary Board and/or State Department of Licensing by this testing facility.

9. The requirements of paragraph 8 above shall be in effect for a period of 12 months from the date this Stipulation and Agreed Order is accepted by the Medical Disciplinary Board. The requirements of paragraph 8 may be extended if it is deemed appropriate by the reviewing member of the Medical Disciplinary Board and the medical consultant to the Medical Disciplinary Board. If such a request is made Dr. Johnson may, agree to a further extension of the requirements of paragraph 8 or request a hearing before the full Board, at his option.

I hereby certify that I have read this stipulation and agreement in its entirety, that my counsel of record has fully explained the legal significance and consequences thereof; that I fully understand all of same, and in witness whereof I affix my signature this 14th day of Sept, 1987.

Dr. Harold Z. Johnson personally appeared before me and acknowledged the foregoing stipulation to be his voluntary act and deed.

SUBSCRIBED AND SWORN TO before me this 14th day of Sept, 1987.


NOTARY PUBLIC in and for the
State of Washington, residing
at Kennett, Wash.
My commission expires: 12-17-89

III. ORDER

The Board accepts the stipulation as stated in the preceding paragraphs. Dr. Harold Z. Johnson IS ORDERED to comply with the terms of paragraphs 8 and 9 above.

DATED this 18 day of September, 1987.

STATE OF WASHINGTON
MEDICAL DISCIPLINARY BOARD

By:


JAMES F. DUNLAP, M.D.
Chairman

Presented by:

Copy received, Approved as
to form and Notice of
Presentation Waived


BEVERLY NORWOOD GOETZ
Assistant Attorney General

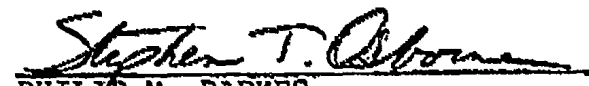

PHILIP M. RAEKES
Attorney for Respondent/Respondent

EXHIBIT B

IN THE MATTER OF
THE LICENSE OF
HAROLD Z. JOHNSON, M.D.

D-0926

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BEFORE THE
TEXAS STATE BOARD
OF MEDICAL EXAMINERS

AGREED ORDER

On this the 10th day of June, 1991, came on to be heard before the Texas State Board of Medical Examiners ("the Board"), duly in session the matter of the license of Harold Z. Johnson, M.D., ("the Respondent"). On September 18, 1987 the Medical Disciplinary Board, State of Washington, entered a Stipulation and Agreed Order affecting Respondent's Washington medical license. Respondent appeared in person at an Informal Settlement Conference at the offices of the Board on April 18, 1991. The Board was represented by Barbara J. Coe and C. Richard Stasney, M.D., members of the Board.

Evidence concerning said Stipulation and Agreed Order was presented, and Respondent offered testimony. Upon the recommendation of its representatives, and with the consent of Respondent, the Board hereby makes the following

FINDINGS OF FACT

1. Respondent holds Texas medical license D-0926.
2. The Board has jurisdiction over the subject matter of this cause, and Respondent hereby waives his right to notice and hearing as provided by Texas law and the rules of the Board prior to entry of this Agreed Order by the Board.
3. On September 18, 1987, the Medical Disciplinary Board, State of Washington ("the Washington Board") entered a Stipulation and Agreed Order affecting Respondent's Washington medical license.
4. Said Order by the Washington Board was based upon Respondent's alleged impairment due to alcoholism although Respondent did not admit said impairment and the Order did not contain a Finding of Fact regarding Respondent and alcoholism.
5. Sections 3.08(21) and 4.01(a) of the Medical Practice Act of Texas, Tex. Rev. Civ. Stat. Ann. art. 4495b (Vernon Supp. 1990) ("the

Act") state, in combination, that a licensee of the Board may be subject to disciplinary action by this Board if his or her license to practice medicine in another state is the subject of suspension, revocation, or restriction by that state based upon acts by the licensee similar to acts described elsewhere in Section 3.08 of the Medical Practice Act of Texas.

6. Section 4.04(b) of the Act states, in pertinent part, that the Board may make a disposition of any complaint or matter relating to the Act, or of any contested case by stipulation, agreed settlement, or consent order.

CONCLUSION OF LAW

1. The Stipulation and Agreed Order affecting Respondent's medical license entered by the Medical Disciplinary Board, State of Washington on September 18, 1987 constitutes a violation of Section 3.08(21) of the Medical Practice Act of Texas.

It is therefore ORDERED, ADJUDGED, AND DECREED that

1. Should Respondent desire to practice medicine in Texas, he must in a personal appearance demonstrate to this Board his capacity to practice medicine with reasonable skill and safety.

2. If Respondent does seek authorization from the Board to practice medicine in Texas, he shall provide to the Board at the time of said request a complete report on the status of his Washington medical license as well as any other medical licenses he may hold at that time.

3. If Respondent seeks and is granted permission to practice medicine in Texas, the Texas State Board of Medical Examiners may by Order entered at that time, and without additional notice or hearing, impose such terms of probation or conditions as the Board may determine are appropriate.

4. This Order shall remain in effect until it is terminated or modified by the Board.

5. Respondent shall cooperate with the Board, its attorneys, investigators, compliance officers, and other employees, to verify that Respondent has complied and is in compliance with this Board Order.

6. Respondent shall advise the Board of any change of address, mailing or office, within (10) days of such occurrence.

7. Respondent shall comply with all the provisions of Article 4495b, Texas Revised Civil Statutes Annotated, and other statutes regulating the practice of medicine, as is required by law for physicians licensed by the Board. For the violation of this Order or Article 4495b, Texas Revised Civil Statutes Annotated, the Respondent could be cited to appear before the Board in a formal disciplinary hearing for such violations which could result in cancellation of the Respondent's license to practice medicine.

THIS DOCUMENT IS A PUBLIC RECORD.

Accepted and agreed to as to
substance and form:

Harold Z. Johnson, M.D.
Harold Z. Johnson, M.D.

5/18/91
Date signed

SIGNED AND ENTERED this 10th day of June, 1991.

President, Texas State Board of
Medical Examiners

M.BO 8.42/2